

## EXHIBIT 5

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

NEW YORK STATE FIREARMS ASSOCIATION,

et al.,

*Plaintiffs,*

v.

Civil Action No. 23-CV-6524-FPG

DOMINICK L. CHIUMENTO, in his official capacity as  
Acting Superintendent of the New York State Police,

*Defendant.*

**DECLARATION OF KIMBERLY VAN CRAST IN SUPPORT OF PLAINTIFF'S REPLY  
IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

STATE OF NEW YORK     )  
  ) ss:s  
COUNTY OF OSWEGO     )

Kimberly V. Crast, having been duly sworn, hereby states under the pains and penalties of perjury:

1. I am over 21 years of age and I make the following statements to my personal knowledge. If called upon to testify would competently testify as to the matters stated herein.

2. I am a 62-year resident of Lacona, New York.


3. I am a member of the New York State Firearms Association ("NYSFA"). I am not suing Superintendent Chiumento in my own capacity but know the NYSFA is fighting for my Second Amendment rights against New York's ammunition background checks.

4. I am a law-abiding gun owner and not subject to any possession restrictions under New York or federal law. I passed a background check to purchase a RUGER MARK IV. This gun is a pistol and uses .22 caliber rimfire ammunition.

5. On or about October 25, 2023, I went to Runnings in Clay, New York and to purchase .22 caliber rimfire ammunition.

6. Immediately upon approaching the employee at the firearms and ammunition counter I was informed that the background check system was offline and I was unable to complete the purchase. I was not offered any avenue by which to purchase ammunition other than to try again some other time. I had other shopping to do in the store so I proceeded to do so and after approximately one hour and thirty minutes I checked again and was informed that the system was still down. I was unequivocally deprived of my Second Amendment rights through the failure of the background check system.

7. Ammunition background checks are pointless, time-consuming exercises against law-abiding gun owners like myself. Every minute I've spent and will spend enduring a background check for ammunition purchases a violation of my Second Amendment rights.

  
Name

Signed and sworn before me this 26 day of October, 2023.



NOTARY PUBLIC

**LORETTA PRUETT**  
Notary Public, State of New York  
No. 01PR6429829  
Qualified in Oswego County  
My Commission Expires 2-28-26

MY COMMISSION EXPIRES: